

Docket No. 010077

PATENT

REMARKS

Claims 1-17 are pending in the application. By this Amendment, Applicant has amended claims 1, 7, and 15. Claims 2-6, 8-14, 16, and 17 remain in the application without amendment.

All of the claims stand rejected under 35 USC 102(b) or 35 USC 103(a) using Cook (USPN 6,005,884) as a primary reference. Applicant respectfully submits that the amendment of independent claims 1, 7, and 15 overcomes these rejections.

Independent claims 1, 7, and 15 as amended now recite, among other things, an apparatus or a method "for cellular communication" (underline added). Applicant submits that no new matter is added by this further definition of the claims, support being found, among other places, at page 1, lines 4-6, of the specification. Applicant submits that Cook teaches away from using the apparatus and method described in Cook in a cellular communication system at column 35, lines 39-42.

Applicant respectfully requests that this Proposed Amendment After Final be entered by the Examiner, placing all of the pending claims in condition for allowance. Applicant submits that the proposed amendment of claims 1, 7, and 15 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, because all of the elements and their relationships claimed were either earlier claimed or inherent in the claims examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicant submits that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the claims.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain

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unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated: July 20, 2004By: 

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